

EPHRAIM SAVITT
Attorney at Law

165 WEST END AVENUE, SUITE 8B
NEW YORK, NEW YORK 10023

PHONE: (917) 885-5753
EMAIL: EPHRAIM@SAVITTESQ.COM

BY ECF and EMAIL

Honorable Loretta A. Preska
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, N.Y. 10007

January 29, 2019

Re: United States v. Moshe Benenfeld
Docket No. 1:18-cr-485-LAP
Requested Adjournment of Sentencing

Dear Judge Preska:

I respectfully submit this letter, on behalf of my client Moshe Benenfeld, to request an adjournment of his sentencing date, which the Court scheduled for April 17, 2019, to a date in late May 2019 that is convenient for the Court and counsel, with an appropriate adjustment for the presentence report deadline and the sentencing submission schedule. The primary reason for this requested adjournment is my health status, although my client, who is wheelchair-bound due to a serious nervous system disorder, is also facing major surgery in a few weeks. AUSA Dina McLeod advised that the government consents to this application.

In the span of 4 weeks in late October to late November, I underwent two major cancer surgeries to eliminate oral, neck lymph node and thyroid malignancies. On December 18th, I began an intensive 6-week daily radiation program that will continue until this Thursday, January 31st. The radiation treatments are causing several severe side effects, most prominently fatigue, inability to have regular nutrition, mouth and throat soreness and reduced voice function. My radiology team advised that these side effects are expected to continue, albeit with progressive improvement, for 3-to-4 weeks after the radiation treatments are completed. I am also facing less-intensive iodine therapy to track

whether my thyroid cancer has been fully eliminated, which causes similar, but less-harsh side effects, after I've recuperated from the radiation at the end of February.

The presently-scheduled sentencing date makes it impossible for me to deal effectively with the preparation of Mr. Benenfeld's sentencing submission, or to timely comply with the Probation Office's need for financial statements, medical records and letters from my client's surgeons, neurologist, urologist and physical therapists who are addressing his myriad serious medical issues.

I thank Your Honor for your courtesy and consideration.

Respectfully submitted,

Ephraim Savitt, Esq.
Attorney for Defendant
Moshe Benenfeld

Cc: AUSA Dina McLeod (by email and ECF)
Probation Officer Michelle Millan (by email)